

Applicant : J. Stuart Cumming
Appl. No. : 09/740,679
Examiner : Eduardo C. Robert
Docket No. : 13533.4033

Remarks

Favorable reconsideration of this application is requested.

By the present amendment, the independent claims have been further amended to more precisely define the present invention and to further distinguish over the cited art. The informalities in claims 53, 90, 105-107 and 112 have been corrected.

Turning first to the Section 112 rejection, it is respectfully submitted that the drawings clearly support the claim language. The elected figure is Fig. 18 which is described in paragraph [0101] and is identical (except for knobs) to the lens 32 of Figs. 1-8, and Figs. 1, 3, and 5-8 clearly front and back radii as essentially the same.

With respect to the double patenting rejection, applicant will provide a terminal disclaimer in due course once claims are allowed in the present application.

Turning now to the Section 102 and 103 rejections, independent claims 53, 90, 105-107 and 112 have been amended to more specifically define the discrete hinges or grooves of the haptics adjacent the optic for facilitating maximum axial movement of the optic. Independent claim 80 also has been amended to more precisely define the hinge and the symmetrical front and back surfaces of the optic as seen in the figures noted above.

Tennant '510 does not disclose hinges nor grooves as claimed in haptics adjacent to the optic. Furthermore, the Tennant lens is clearly shown and described as asymmetrical.

With regard to the rejections of claims on Schlegal '597, it is clearly not an accommodating lens nor described as such. The statement that stiffners can be

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added indicates that the lens is not meant to move and thus could not have been considered by Schlegal as an accommodating lens. In order to have an accommodating lens it is essential to have a design where the optic can move maximumly relative to the ends of the supporting haptics. A design such as Schlegal '597 where the support of the optic is by haptic "support flaps" which completely surround the optic, or a disk-shaped, would not allow the optic to significantly move backwards and forward if it could move at all. Furthermore, the Schlegal '597 lens does not have symmetrical front and back surfaces or with essentially the same radii.

With regard to the Examiner's request beginning at the bottom of page 8 or the office action, related applications exist as U.S. Patent No. 6,197,059 and Published Application No. 6005/0096741.

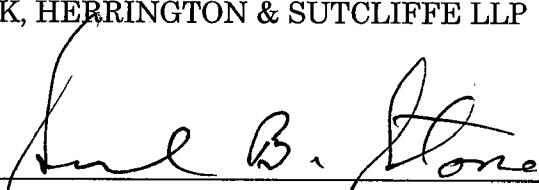
Favorable reconsideration is requested.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

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By:


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